



DEPARTMENT OF THE ARMY
HEADQUARTERS, EIGHTH UNITED STATES ARMY
UNIT #15236
APO AP 96205-0009

REPLY TO
ATTENTION OF:

07 AUG 2008

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MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Five-Year Limitation on Foreign Employment

1. References:

- a. Memorandum, Eighth United States Army, dated 05 Jul 2006, subject: Five-Year Limitation on Foreign Employment.
- b. Deputy Assistant Secretary of Defense, Civilian Personnel Policy, Memorandum, Five Year Limitation on Foreign Employment, dated 26 March 1997.
- c. Assistant Secretary of the Army (Manpower and Reserve Affairs), Memorandum, Overseas Tour Rotation, dated 03 September 2004
- d. Eighth United States Army Regulation 690-3, Extension of Overseas Tours Beyond Five Years.
- e. Department of Defense Civilian Personnel Manual 1400.25-M, CPM Basic Installment No. 11, Chapter 301, Subchapter 4, dated 24 August 1988, subject: Rotation of Employees from Foreign Areas.
- f. Army Regulation 690-300, Civilian Personnel-Employment, Chapter 301, Overseas Employment, dated 15 October 1987.

2. This memorandum supersedes reference 1a and serves to reemphasize the Department of Defense (DoD) foreign area rotation policy, as well as provide additional command guidelines on extension of overseas tours beyond five years. References 1b through 1f are the applicable DoD and Department of the Army regulations, and subsequent memoranda that reaffirm the five year limitation on overseas employment. It has been DoD policy since 1966 to limit employment in the overseas area to five years for appropriated fund civilian employees who occupy positions in the competitive service. This policy was reaffirmed by the Office of the Assistant Secretary of Defense (OSD) in reference 1b and by the Department of the Army in reference 1c.

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SUBJECT: Five-Year Limitation on Foreign Employment

The five-year limitation on employment in foreign areas allows continuous assessment of civilian workforce requirements and ensures that management has the necessary flexibility to regulate the foreign area workforce while providing career-enhancing experiences for its employees. Extensions are not intended to provide permanent employment in the foreign area, but are to provide short-term management flexibility in meeting mission needs.

3. In order to meet the spirit and intent of the DoD limitation on foreign employment within Eighth U.S. Army, extensions beyond the five-year limitation should be the exception and not the norm. Tour extension decisions must be made on a case-by-case basis using valid mission-related, nondiscriminatory reasons and will only be approved in situations where a particular urgent and unique organizational need demands extension of an employee. Only the following will be accepted as valid reasons for tour extension beyond five years:

a. Continued need for the employee's skills when there is a documented history of difficulty in filling the position.

b. The need to maintain stability during mandated staff reductions or reorganizations.

c. The requirement to retain an employee in order to complete a special project.

These criteria are more specifically defined at Enclosure 1.

4. Consideration of the factors identified in paragraph 3 is in the best interest of the command because it will provide greater fairness and consistency in how decisions are made on extensions. Provisions related to documentation on extension decisions contained in reference 1d remain in effect. Approval authority for extensions beyond five years has been delegated to major subordinate commanders and the Eighth U.S. Army Chief of Staff in accordance with reference 1d. This authority cannot be re-delegated.

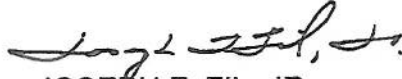
5. In May 2001, this command established a goal to reduce the percentage of the U.S. civilian appropriated fund workforce who exceeded the DoD five year limitation to no more than 25%. We must continually strive to conform with the spirit and intent of the DoD policy on the five year limitation. I am hereby directing all subordinate commanders to maintain the percentage of personnel who are subject to the rotation policy and who exceed the five-year limitation at no more than 25% for the foreseeable future, and to focus on further reduction of this percentage. The calculation of percentage will be performed as shown at Enclosure 1. Major subordinate

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commanders (MSC) and staff section principals will review requests for extensions beyond five years to ensure that the criteria in paragraph 3 is met, and that updated rotation plans are included with each request for tour extension. MSC or staff section rotation plans should not be sub-divided into further branches, division, or units.

Encl
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JOSEPH F. FIL, JR.
Lieutenant General, USA
Commanding

Distribution:
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Additional Guidance and Requirements When Submitting Tour Extension Requests

1. The below guidance and criteria are to be used to justify tour extension requests beyond five years.

a. Continued need for the employee's skills when there is documented history of difficulty in filling the position. Details about the recruitment history should be provided, such as how long the position has been open and under recruitment (if applicable), how long it took to fill the position, when the job was last announced, how many qualified candidates were referred, and any other pertinent information that demonstrates difficulty in filling the position.

b. The need to maintain stability during mandated staff reductions or reorganizations. If using this criterion, provide details explaining the staff reductions or reorganizations, the effect on the activity, and how extending this employee will be beneficial to the organization during the staff reduction or reorganization.

c. The requirement to retain an employee in order to complete a special project. If using this criterion, give details as to the name of the special project; explain how the employee's involvement is crucial to the project, and give a timeframe for completion of the project.

2. Rotation Plan requirement. Commanders and Eighth Army staff principles are required to submit an up-to-date, consolidated rotation plan of their respective organizations with each tour extension request. Rotation plans should not be submitted for sub-divisions or branches within staff sections or subordinate units. All U.S. civilian employees within each respective organization are to be listed on a single rotation plan. The rotation plan should list the employee's DEROS date, the date five years of overseas service is reached, total time overseas, and include remarks annotating current status or future plans for the employee, as necessary. The percentage of personnel who exceed five years overseas compared to total personnel subject to the five-year limitation should be calculated and annotated on the rotation plan for each fiscal year.

3. Calculation of Percentage of Personnel Exceeding the Five-Year Limitation on Foreign Employment. The calculation will include only those employees who are subject to the five-year limitation, and authorized positions that are currently vacant. Personnel who exceed five years but who are registered in the Priority Placement Program may be subtracted from the total number of personnel over five years. The following employees will not be included in the calculation:

a. Family Members (regardless of type of appointment).

ENCLOSURE 1

**Additional Guidance and Requirements When Submitting
Tour Extension Requests (cont.)**

- b. Grandfathered employees (GS-06 and below hired before 24 August 1988).
- c. Employees on Veterans Recruitment Appointments who are not subject to rotation until they are converted to career-conditional status.
- d. Employees declared exempt from rotation by the Commander, Eighth United States Army, in accordance with the provisions of reference 1d.